

REMARKS

The Office Action dated October 1, 2009, has been carefully considered. Applicants respectfully request reconsideration of this application, as amended.

Claims 1-2, 4-9 and 12-15 were pending in this application. As indicated above, claims 1, 4-6, 8 and 13 have been amended.

The October 1, 2009 Office Action begins at page 2 with a discussion on claim interpretation, yet no particular claims or language in the pending has been cited or otherwise identified to which the Examiner has directed such comments. In the event the Examiner has applied a particular interpretation to a claim or limitation therein that is inconsistent with its use or scope in the instant application, Applicants presume the Examiner will identify such instances.

At page 4 of the Office Action (Item 3), the Examiner states that the "[i]ndependent claims are examined together, since they are not patentable [sic] distinct." Applicants are uncertain as to the basis for such a statement and respectfully question the Examiner's assertion. In the event that the Examiner believes such a statement addresses a particular objection, rejection or possible restriction requirement or election of species in the pending claims, Applicants respectfully request that the Examiner make such statements of record and identify claim(s) to which the statement pertains. Absent such an indication, it is unclear what Item 3 is intended to reference.

Summary of Office Action

Claims are 1-2 and 4-9 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 13-15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4, 5, 6, 12, 13 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rivette (5,991,751) in view of Collins (6,061,681). Claims 7 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rivette in view of Collins as applied to claims 4,6 13 above, and further in view of Black (6,012,042).

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rivette in view of Collins and Black. Claims 8 and 9 were indicated as allowed¹.

Office Action Includes Contradictory Statements or is Incomplete

Applicants note that at p. 25 of the Office Action, dependent claims 8 and 9 are indicated as allowed. However, claims 1-2 and 4-9 were also indicated as rejected under §101 at p. 5 of the Office Action.

Prior to submitting this response the undersigned attorney attempted to contact the Examiner by telephone for clarification of the contrary statements. No reply has been received at the time of filing this response. Applicants respectfully request that in the event the amendments presented herein do not result in the allowance of all remaining claims, an opportunity to address outstanding rejections and to submit further amendments as of right be provided, particularly in relation to claims 8 and 9.

35 U.S.C. §101 Rejections Traversed

Claims are 1-2 and 4-9 were rejected under 35 U.S.C. §101 because the claimed invention was alleged as being directed to non-statutory subject matter. Independent claims 1 and 4 have been amended to address the rejection. Claims 1 and 4 are believed to overcome the rejection having set forth amendments that recite a statutory class. Relative to claims 8 – 9 these claims were indicated as allowed, as discussed above, and therefore not believed to be subject to the rejection. Withdrawal of the rejection is respectfully requested.

35 U.S.C. §112, Second Paragraph, Rejections Traversed

Claim 13-15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 13 has been amended to address the basis noted by the Examiner for the rejection. Specific reference to the computer platform has been provided in order to overcome the indefiniteness rejection. Withdrawal of the rejection is requested relative to claim 13 and all claims

¹ As noted below, while indicated as allowed, claims 8 and 9 are both dependent claims and appear to require amendment to add limitations of the parent claim (claim 4) for allowance. Such an amendment has, therefore, been proposed in this response.

dependent therefrom. In the event the rejection is maintained, Applicants respectfully request that the Examiner identify any further basis for such a rejection.

35 U.S.C. §103(a) Rejections Traversed

Claims 4, 5, 6, 12, 13 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rivette (5,991,751) in view of Collins (6,061,681). The rejection is respectfully traversed in view of the amendments to independent claims 4 and 13, which now recite a search query having both financial search criteria and intellectual property search criteria. As neither Rivette nor Collins appear to teach such limitations, claims 4 and 13, as well as all claims dependent therefrom, are believed to be in condition for allowance. Accordingly, Applicants request withdrawal of the rejection and an indication of the allowance of claims 4, 5, 6, 12, 13 and 15².

Claims 7 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rivette in view of Collins as applied to claims 4, 6, 13 above, and further in view of Black. This rejection is respectfully traversed for the reasons set forth above relative to claims 4 and 13. Applicants respectfully maintain that neither Rivette, Collins nor Black teach, for example, a search query having both financial search criteria and intellectual property search criteria as set forth in independent claims 4 and 13. Hence, claims 7 and 14 are believed to be patentably distinguishable over such a combination. Withdrawal of the rejection is respectfully requested.

Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rivette in view of Collins and Black. Applicants again traverse the rejection. Claim 1 has also been amended to recite, among other limitations, "constructing, ..., a search query having both financial search criteria and intellectual property search criteria defined by a user." As such a limitation is not believed to be disclosed or suggested by Rivette, Collins or Black, alone or in combination, Applicants respectfully submit that amended independent claim 1 is patentably distinguishable over the alleged combination. Withdrawal of the rejection as applied to claim 1, and claim 2 dependent therefrom, is respectfully requested.

Allowed Claims

² Claim 6 having been amended to depend from allowed claim 8 is no longer subject to this rejection.

Claims 8 and 9 were indicated as allowed. In an attempt to advance prosecution of this application Applicants have submitted amendments to claim 8 above to place it in independent form including the limitations of independent claim 4 from which it was dependent.

In view of the foregoing remarks and amendments, reconsideration of this application and allowance of all claims remaining is earnestly solicited. In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,

/Duane C. Basch, Esq. Reg. No. 34,545/

Duane C. Basch

Attorney for Applicant

Registration No. 34,545

Basch & Nickerson LLP

1777 Penfield Road

Penfield, New York 14526

(585) 899-3970

DCB/dcm